THE HONOURABLE SRI JUSTICE S. ANANDA REDDY

W.P. NO. 18271 of 2007

DATED: 11-09-2007

Between:-

Shriram City Union Finance Ltd., represented by Authorised Signatory Ch. Mogaleswara Rao, D.No. 4-12-41, 2nd floor, Koritapadu, Guntur.

…PETITIONER

And

The Dy. Transport Commissioner & Secretary, (Registering Authority), Regional Transport Authority, Guntur.

…RESPONDENT

THE HONOURABLE SRI JUSTICE S. ANANDA REDDY

W.P. NO. 18271 of 2007

O R D E R

This writ petition is filed by the petitioner aggrieved by the inaction of the respondent in giving clearance certificate in respect of the petitioner's Contract Carriage vehicle bearing No. AP 16/TT-0123 on the ground of pendency of a writ petition stated to have been filed by the predecessor owner with reference to the tax dispute.

It is stated that the petitioner is the financier in respect of the vehicle in question and the vehicle was seized for the default committed by the person who purchased it under hire purchase and thereafter it is stated that a fresh R.C. was already issued in favour of the petitioner. But, however, clearance certificate was not issued on the premise that a writ petition filed by the earlier owner is pending. It is further stated that initially in the said writ petition interim orders were passed on condition of depositing 50% of the differential tax. Subsequently, the balance amount of differential tax was also paid. Therefore, the said writ petition practically has become infructuous. But, however, it was filed by somebody else, therefore the petitioner cannot withdraw the said writ petition. But when the respondent gave an endorsement 'refused to give no clearance certificate' on the ground that the earlier writ petition is still pending, the present writ petition is filed by the petitioner.

In view of the above dispute, the learned Government Pleader for Transport was directed to get instructions and on instructions, the

learned Government Pleader reported that there is no due with reference to any tax in respect of the vehicle in question.

In view of the above representation made on behalf of the learned Government Pleader, the writ petition is disposed of directing the respondent-authority to issue clearance certificate to the petitioner in respect of the vehicle in question as sought for by it, within a period of two weeks from the date of receipt of a copy of the order.

The writ petition is, accordingly, disposed of. No costs.

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S. ANANDA REDDY, J

Dated: 11-09-2007
vp

Note:
CC by three days.
(B/o)
vp